

**§ 52.1072 Conditional approval.**

(a) [Reserved]

(b) The State of Maryland's July 12, 1995 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Maryland portion of the Metropolitan Washington, DC ozone nonattainment area, is conditionally approved based on certain contingencies. The conditions for approvability are as follows:

(1) Maryland's 15% plan must be revised to account for growth in point sources from 1990-1996.

(2) Maryland must meet the conditions listed in the October 31, 1996 proposed conditional I/M rulemaking notice, remodel the I/M reductions using the following two EPA guidance memos: "Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from

I/M and Guidance for Recalculation," note from John Seitz and Margo Oge, dated August 13, 1996, and "Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance," memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

(3) Maryland must remodel to determine affirmatively the creditable reductions from RFG, and Tier 1 in accordance with EPA guidance.

(4) Maryland must submit a SIP revision amending the 15% plan with a demonstration using appropriate documentation methodologies and credit calculations that the 56.4 tons/day reduction, supported through creditable emission reduction measures in the submittal, satisfies Maryland's 15% ROP requirement for the Metropolitan Washington, DC nonattainment area.

(c) [Reserved]

(d) Revisions to the Maryland State Implementation Plan pertaining to Maryland's major VOC source RACT and minor VOC source requirements, COMAR 26.11.19.02G and COMAR 26.11.06.06, submitted on April 5, 1991, June 8, 1993, and July 12, 1995 by the Maryland Department of the Environment are conditionally approved. Maryland must meet the following conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are: Maryland certify that it has submitted case-by-case RACT proposals for all sources subject to the RACT re-

quirements; or demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions, as defined in the final rule-making notice.

(i) Additional Material.

(A) Letter of February 7, 1996 from the Maryland Department of the Environment agreeing to meet certain conditions by no later than 12 months after the publication of the final conditional rulemaking. These conditions are: Maryland submit case-by-case RACT proposals for all sources subject to the RACT requirements; Maryland certify that, to the best of its knowledge, there are no other sources subject to the RACT requirements.

(e) Revisions to the Code of Maryland Air Regulations (COMAR), rule 26.11.09.08, pertaining to NO<sub>x</sub> RACT submitted on June 8, 1993 and amended on July 11, 1995 by the Maryland Department of the Environment, is conditionally approved based on certain contingencies. Maryland must meet the following conditions by no later than 12 months after July 22, 1999. These conditions are that Maryland must:

(1) Certify that it has submitted case-by-case RACT SIPs for all sources subject to the RACT requirements currently known to the Department, or demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions;

(2) Either submit COMAR 26.11.01.11 to EPA for approval, or revise COMAR 26.11.09.08F to clearly explain the reporting and record keeping requirements in COMAR 26.11.09.08;

(3) Change COMAR 26.11.09.08D to unambiguously require all emissions trading plans and proposals be submitted as individual SIP revisions, or meet all the requirements of a discretionary EIP.

[62 FR 40944, July 31, 1997, as amended at 62 FR 49616, Sept. 23, 1997; 62 FR 52666, Oct. 9, 1997; 63 FR 47179, Sept. 4, 1998; 64 FR 33200, June 22, 1999; 64 FR 58344, Oct. 29, 1999; 65 FR 5252, Feb. 3, 2000]

**§ 52.1073 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.